

<sup>2</sup> In the interest of full disclosure, three of the 60 policies are no longer in force due to the death of the insured. As a result, American General has paid out \$355,000 in death benefits on Mercier policies since the filing of Donovan's report. While American General stands by the figures presented in Mr. Donovan's report and does not seek the \$355,000 in death benefits it paid as damages in the instant lawsuit, the three recent death claims on Mercier policies demonstrate the reasonableness of Donovan's findings and highlight American General's conservative approach to damages in this case.

awarded as damages \$36,300.42 in outstanding commissions paid on Mercier policies, \$180,056.94 American General incurred as costs and legal fees related to enforcement actions taken on multiple Mercier policies, \$2,815,173 representing the present value of in force post-contestable policies written by the Merciers, that its damages be trebled pursuant to 18 U.S.C. 1964(c) (stating that for a 18 U.S.C. 1962 violation a party "shall recover threefold") and \$90,202.70 as attorneys' fees in the present matter along with pre and post judgment interest at the maximum rate allowed by law and any further relief the Court may deem it justly entitled.

Respectfully submitted,

BRACEWELL & GIULIANI LLP

By: DAVID McDOWELL /s/  
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Southern District Bar No. 18464  
State Bar No. 00791222

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(713) 221-1212 (Telecopier)

ATTORNEYS FOR PLAINTIFF AMERICAN  
GENERAL LIFE INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded by Certified Mail/Return Receipt Requested on this the 26<sup>th</sup> day of February, 2007 as follows:

Anthony Mercier, Jr.  
c/o Anthony Mercier Sr.  
P. O. Box 1506  
Augusta, Georgia 30903;

Anthony Mercier, Jr.  
c/o Anthony Mercier Sr.  
506 Georgia Avenue, #206  
North Augusta, South Carolina 29841

Anthony Mercier, Jr.  
c/o Anthony Mercier Sr.  
761 N. Martintown Road  
Edgefield, South Carolina 29824

Charles Mercier  
c/o Anthony Mercier Sr.  
P. O. Box 1506  
Augusta, Georgia 30903;

Charles Mercier  
c/o Anthony Mercier Sr.  
506 Georgia Avenue, #206  
North Augusta, South Carolina 29841

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Mercier Insurance Agency, Inc.  
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761 N. Martintown Road  
Edgefield, South Carolina 29824



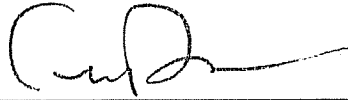
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James W. Caldwell

# **EXHIBIT A**


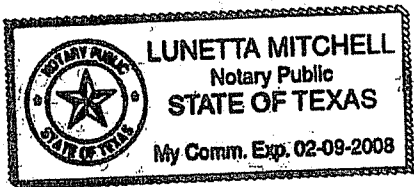


FURTHER AFFIANT SAYETH NAUGHT.



Tim Donovan

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on this 26<sup>th</sup>  
day of February, 2007.



Notary Public in and for  
the State of Texas